

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING, SALES)	
PRACTICES AND PRODUCTS LIABILITY)	
LITIGATION)	MDL No. 1871
)	2:07-md-01871-CMR
_____)	
)	
THIS DOCUMENT RELATES TO:)	
ALL ACTIONS)	
)	

**APPLICATION OF THOMAS P. CARTMELL FOR
APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

Please consider this Thomas P. Cartmell's Application for Appointment to the Plaintiffs' Steering Committee. In support thereof, Thomas P. Cartmell provides the Court with the following evidence showing that he has experience with mass tort litigation, has the availability to commit his time and resources to this case, and can work cooperatively with counsel.

PROFESSIONAL EXPERIENCE AND ACCOMPLISHMENTS

Mr. Cartmell is a 1994 graduate of the University of Kansas School of Law where he served on the Law Review. After graduating, he worked for Blackwell Sanders Matheny Weary & Lombardi, a large defense firm in Kansas City. In 1997, he and his partner, Thomas W. Wagstaff, founded Wagstaff & Cartmell LLP. Mr. Cartmell and his firm have extensive trial experience as both defense counsel and plaintiffs' counsel.

Mr. Cartmell practices exclusively in the areas of product liability, mass torts and complex business litigation. He has lectured extensively related to mass tort litigation and trial tactics.

Presently, Mr. Cartmell serves as a member of the Plaintiffs' Steering Committee in the Bextra/Celebrex litigation, MDL No. 1699, pending in the United States District Court Northern District of California. Mr. Cartmell and other members of his firm are serving on the science

and discovery committees and have served as lead counsel during multiple depositions of experts and witnesses in that litigation. Mr. Cartmell recently participated in the Daubert hearings in front of Judge Charles R. Breyer including the presentation of expert witnesses for the plaintiffs and participation in the closing argument. Mr. Cartmell is also a member of the trial team for the first Bextra MDL trial scheduled before Judge Breyer on May 5, 2008.

Mr. Cartmell is also involved in the Vioxx MDL, MDL No. 1657. Mr. Cartmell and members of his firm have produced multiple plaintiffs for depositions in the Vioxx litigation and are involved with the discovery committee.

Mr. Cartmell and members of his firm are also involved in the Ephedra litigation, Ephedra, MDL 1598 (JSR) in the Southern District of New York. In that case, Mr. Cartmell argued on behalf of plaintiffs at the Daubert hearing and served on multiple committees. He is currently serving on the plaintiffs' NVE Resolution Committee.

Mr. Cartmell and Wagstaff & Cartmell have also had extensive experience in other mass tort litigation involving pharmaceutical companies. This experience includes handling MDL litigation involving drugs such as Rezulin, Baycol, Propulsid, PPA, Lexapro, and Zyprexa.

Mr. Cartmell's personal accomplishments as a trial lawyer include receiving the Thomas J. Conway Award, an award presented by the Kansas City Bar Association to a trial lawyer who represents clients with "zeal" and the Lon O. Hocker Award, an award presented by the Missouri Bar Foundation to a member of the bar exhibiting "noteworthy professional competence" as a trial lawyer. Mr. Cartmell and his law firm are AV rated by Martindale-Hubbell. Mr. Cartmell has been named one of the Best Lawyers in America in 2007 and 2008. He currently serves as a professor of Trial Advocacy at the University of Kansas. He has written articles in local and national publications on various topics related to civil litigation and frequently speaks at seminars locally and nationally related to mass tort litigation.

ABILITY TO WORK WITH OTHERS

Mr. Cartmell and members of his firm understand that an appointment to the PSC will be an extremely significant commitment. Mr. Cartmell and other members of his law firm have demonstrated the ability in mass tort cases to work cooperatively with others and are committed to devoting the time and resources necessary to see the litigation through to final resolution. Mr. Cartmell has worked closely in the past with many of the other applicants for the Avandia PSC and, thus, he is confident that he possesses the ability to work cooperatively with the others involved in this case. He has practiced as a defense attorney for many years and is confident that he will be able to work cooperatively with defense counsel and with the Court. Finally, he believes that he has the appropriate experience in this type of litigation to serve on the PSC if given the opportunity. Mr. Cartmell has never been admonished by any Court for any reason and has never been the subject of any disciplinary action.

Mr. Cartmell and his law firm presently have the time, financial resources and energy available for this large project and respectfully requests this Court's consideration for the Plaintiffs' Steering Committee.

WHEREFORE, Thomas P. Cartmell respectfully requests appointment by this Court to the Plaintiffs' Steering Committee.

Respectfully submitted,

/s/Thomas P. Cartmell
Thomas P. Cartmell MO #45366
WAGSTAFF & CARTMELL LLP
4740 Grand Avenue, Suite 300
Kansas City, MO 64112
(816) 701-1100
FAX (816) 531-2372
tcartmell@wcllp.com

CERTIFICATE OF SERVICE

The foregoing Application has been filed electronically and is available for viewing and downloading from the ECF system. A true and correct copy of this document has been served upon each counsel of record as reflected in the Court's service list as of March 21, 2008 by either electronic service through the ECF system or first class mail, postage prepaid

/s/Thomas P. Cartmell
Attorney